

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

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| DYLAN BREWER, on behalf of himself and others similarly situated | § § § | PLAINTIFF |
| v. | § § § | Civil No. 1:21-cv-195-HSO-RHWR |
| LIL DADDY PIZZA, LLC; MATTHEW MAGEE; and BIG DADDY PIZZA, LLC | § § § | DEFENDANTS |

ORDER SETTING FAIRNESS HEARING

This matter is before the Court sua sponte to set a fairness hearing in this civil action. On June 1, 2022, the Court entered an Order [34] certifying this action as a FLSA collective action and class action pursuant to Federal Rule of Civil Procedure 23, for settlement purposes only, and granting preliminary approval of the settlement entered into by the parties. Order [34]. The Court now sets a fairness hearing because

[b]efore the court may approve a settlement in a collective action brought under the FLSA, it must first determine whether the settlement involves the resolution of a bona fide dispute over an FLSA provision and then decide whether the settlement is fair and reasonable. *Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1352-55 (11th Cir. 1982); *Jarrard v. Southeastern Shipbldg. Corp.*, 163 F.2d 960 (5th Cir. 1947); *Stalnaker v. Novar Corp.*, 293 F. Supp. 2d 1260, 1263 (M.D. Ala. 2003) (quoting *Lynn's Food Stores, Inc.*, 679 F.2d at 1354).

Camp v. The Progressive Corp., No. 01-2680, No. 03-2507, 2004 WL 2149079, at *4 (E.D. La. Sept. 23, 2004); see also *Bodle v. TXL Mortg. Corp.*, 788 F.3d 159, 164 (5th Cir. 2015) (citing *Lynn's Food Stores, Inc.* 679 F.2d at 1355). Accordingly,

IT IS, THEREFORE, ORDERED AND ADJUDGED that, a fairness hearing is set for September 16, 2022, at 9:30 a.m. at the United States Courthouse, Courtroom 806, 2012 15th Street, Gulfport, Mississippi, United States District Judge Halil S. Ozerden presiding. Counsel with full settlement authority must attend.

SO ORDERED AND ADJUDGED, this the 1st day of June, 2022.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE